

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

JUXTACOMM TECHNOLOGIES, INC.

PLAINTIFF,

**V.**

Civil Action No. 2:07-CV-00359-LED

(1) ASCENTIAL SOFTWARE CORPORATION,

(2) BUSINESS OBJECTS SA.

(3) BUSINESS OBJECTS AMERICAS,

(4) INTERNATIONAL BUSINESS

MACHINES CORPORATION.

(5) INFORMATICA CORPORATION and

(6) MICROSOFT CORPORATION

DEFENDANTS.

**ORDER CORRECTING DEPOSITION TRANSCRIPT**

Came on for consideration Plaintiff JuxtaComm Technologies, Inc.'s Opposed Motion to Correct the Deposition Transcript of David Brown. The Court having considered said motion is of the opinion that same should be granted. IT IS, THEREFORE, ORDERED that the April 9, 2009 deposition testimony of David Brown is corrected as follows:

<b><u>Page</u></b>	<b><u>Line(s)</u></b>	<b><u>Text as it Appears in Transcript</u></b>	<b><u>Corrected Text</u></b>
533	9-11	I know that there is a bonus structure that is being considered by the compensation committee with the board.	I know that there is a bonus structure that was ratified by the board.
533	13	Yes.	Yes there was, but not presently.
534	1	Yes.	Yes. I am aware that a proposal existed that was ratified by the board.
534	5-7	I have – I have seen the – the details of it, and – I have not kept a copy of it, but I’ve seen the details of it.	I saw the details of the proposal prior to it being ratified by the board and I saw the proposal when it was ratified. I don’t know of any plan under consideration presently.
534	17	14 percent	not more than 15 percent

534	19-20	And of that 14 percent, then there would be – there would be 3 percent to board members	And of that maximum 15 percent, each participant would be awarded an amount.
534	22	To each – to each board member.	A percentage to each plan participant.
535	7-8	There would be 3 percent of the 14 for each board member.	Each plan participant would receive a percentage of the maximum 15 percent.
535	12	Yes	Each plan participant would receive a portion of the maximum 15 percent of earnings before interest, tax, depreciation and amortization.

IT IS FURTHER ORDER that David Brown be made available, upon the Defendants' request, for a one-hour telephonic deposition regarding the above-listed corrections to his deposition testimony and for no other purpose.